

REMARKS

Claims 1-7 are pending in this application with claim 1 being independent. None of the claims have been amended.

Priority

The present application claims priority to US Application Serial No. 10/683,269, filed on October 14, 2003. The priority information was included in a Declaration and Power of Attorney that was filed with the present application. However, the priority claim was not included in the Specification of the present application.

In an amendment filed on June 16, 2009, the Specification was amended to include the following:

CROSS-REFERENCE TO RELATED APPLICATION

[0000.1] This application is a national stage of PCT application PCT/JP2004/014732 filed on 10/6/2004 ("PCT Application"). The PCT Application is a continuation of U.S. Patent Application Serial No. 10/683,269 ("269 application") entitled "Pin Assembly for Track Roller Bogie of Track-Type Drive System" filed on 10/14/2003, and now abandoned. By virtue of the relationship between this application and the PCT Application, and the relationship between the PCT Application and the '269 application, this application claims the benefit of priority to the '269 application.

Further, in accordance with 37 C.F.R. § 1.78(a)(3), a Petition to Accept an Unintentionally Delayed Priority Claim was filed December 19, 2008. The transaction history in PAIR for the present application indicates that the petition was granted on June 17, 2009. In light of the Amendment to the Specification and the granted Petition to Accept a Delayed Priority Claim, Applicants respectfully submit that the present application properly claims priority to US Application Serial No. 10/683,269.

Drawings

The drawings, specifically, figure 2, is objected to. Specifically, the Office asserts that figure 2 fails to comply with 37 CFR 1.84(p)(4) because reference characters

"114b" and "115b" and "115c" and "116b" have both been used to designate the same elements, respectively. The Office also asserts that figure 2 is objected to under 37 CFR 1.83(a) for failing to show every feature of the invention specified in the claims. Furthermore, the Office requires that the text "d1<d2<d3," in figure 2, be removed.

Applicants respectfully submit that replacement figure 2 will be filed in due course.

Specification

The abstract of the disclosure is objected to because it does not commence on a separate sheet. The Specification is amended to recite a new abstract on a separate sheet in accordance with 37 C.F.R. § 1.52(b)(4). Further, the substitute abstract is submitted on a separate sheet.

The Specification is also objected to because of reference to a claim of priority to U.S. Patent Application No. 10/683,629. Amendments to the Specification obviate this objection because any reference to U.S. Patent Application No. 10/683,629 has been removed. Accordingly, applicants respectfully request that the objections to the Specification be withdrawn.

35 U.S.C. § 102

Claims 1-7 have been rejected under 35 U.S.C. 102(e) as being anticipated by Murakami (U.S. 2005/0077093). Applicants respectfully submit that Murakami is not available as prior art against the present application.

Murakami is the '269 application to which the present application properly claims priority. Because the priority claim was inadvertently omitted from the Specification, a Petition to Accept the Unintentionally Delayed Priority Claim was filed on December 19, 2008. As described previously, this petition was granted on June 17, 2009. Therefore, the present application properly claims priority to Murakami. Murakami, consequently, is not available as prior art against this application. Accordingly, Applicants respectfully submit that claims 1-7 are not anticipated by Murakami, and request that the rejections of claims 1-7 under 35 U.S.C. § 102(e) be withdrawn.

Reconsideration and allowance of the above-referenced application are respectfully requested.

CONCLUSION

It is believed that all of the pending claims have been addressed. However, the absence of a reply to a specific rejection, issue or comment does not signify agreement with or concession of that rejection, issue or comment. In addition, because the remarks made above may not be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment.

In view of the foregoing amendments and remarks, Applicants respectfully submit that the application is in condition for allowance, and such action is respectfully requested at the Examiner's earliest convenience.

A Request for Continued Examination is being filed concurrently with this amendment. Please apply a 3-month Petition for Extension of Time fee, a Request for Continued Examination fee, and any charges or credits to deposit account 06-1050.

Respectfully submitted,

Date: June 17, 2009

/ Sushil Shrinivasan L0368 /
Sushil Shrinivasan
Reg. No. L0368

PTO Customer No. 26171
Fish & Richardson P.C.
Telephone: (858) 678-5070
Facsimile: (877) 769-7945